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Equal Employment Opportunity Handbook

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for IRS Managers

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Department
of the
Treasury
Internal
Revenue
Service

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Equal Employment Opportunity Handbook

For IRS Managers

This Handbook is printed in looseleaf format to facilitate maintenance and updating. This format will also facilitate the addition of locally prepared documents and other relevant materials.

Acknowledgments

The materials in this Handbook were drawn from a variety of sources. We especially appreciate the previous work done in the offices of the Detroit District, the Assistant Commissioner (EP/EO), and the Regional Commissioner, Southwest Region, to develop EEO Handbooks.

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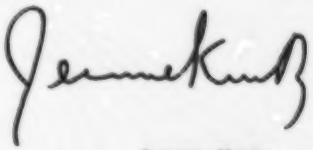
Message from the Commissioner

Equal Employment Opportunity (EEO) is basic to the job of each and every manager in the Internal Revenue Service. Equitable and considerate treatment of our own employees and prospective employees is every bit as important as the equitable and considerate treatment of taxpayers.

I am firmly committed to the principles and practice of EEO. I expect this commitment from you. Our goal is to have a work force, which at all levels, has the diversity of the taxpayers we serve. To this end we must assure that women and minorities are available for consideration under merit procedures.

My expectation is that supervisors, managers, and executives in the Service keep Equal Employment Opportunity a matter of high priority. Real progress must be made in the hiring and promotion of minorities and women.



Jerome Kurtz
Commissioner of Internal Revenue

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Background of Equal Employment Opportunity

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To understand what EEO is all about and how it affects you as an IRS manager, you must know a little about how EEO policy originated and developed in the Federal Government.

In 1939, the Hatch Political Activities Act outlawed discrimination because of race, creed, or color against anyone who benefited from congressional funds designated for work relief purposes. In 1940, President Roosevelt issued Executive Order 8587 which stated, for the first time, that public employment could not be denied for reasons of race, creed, or color. The Ramspeck Act, also enacted in 1940, made the provisions of Executive Order 8587 public law.

Presidents Truman and Eisenhower also issued Executive orders aimed at eliminating discrimination in Federal employment. Although these orders established various boards and committees, their thrust was essentially passive.

It gradually became apparent that equal opportunity efforts had to be intensified. The concept of affirmative action was introduced in 1961 with President Kennedy's Executive Order 10925. This order established the President's Committee on Equal Employment Opportunity. The committee took positive steps to eliminate discrimination in the Federal Government.

The Civil Rights Act of 1964 formed the basis for later EEO legislation. This act extended jurisdiction to the district courts to provide injunctive relief against discrimination in public accommodations on the basis of race, color, national origin, or religion. In addition, the Attorney General was authorized to institute suits to protect constitutional rights in public facilities and public education.

In 1965, Executive Order 11246 made the Civil Service Commission responsible for the Federal EEO Program. This order was amended by Executive Order 11375 in 1967 to provide equal employment opportunity without regard to sex as well as race, color, religion, or national origin. As a result, the Civil Service Commission established the Federal Women's Program.

The Fair Labor Standards Amendments of 1974 added age to official nondiscrimination language. These amendments protected individuals who were 40–65 years old from age discrimination by private employers and by all Federal Government units. In response to a 1977 court decision, the Civil Service Commission subsequently modified its regulations to ensure that Federal employees 40–70 years old (65 years is the upper limit for applicants) are protected from discrimination. The elimination of discrimination because of age thus became part of the Federal EEO Program.

Executive Order 11478, issued in 1969, was much stronger than previous orders in attempting to further a positive Federal EEO Program. The order outlined the responsibilities of Federal agencies and integrated EEO into the total spectrum of personnel management.

As a result of a Presidential statement issued in 1970, the Spanish-Speaking Program was initiated to call attention to the needs of the Spanish-speaking with respect to Federal employment. It became an integral part of the Federal EEO Program pursuant to Executive Order 11478 and the Equal Employment Opportunity Act.

The Equal Employment Opportunity Act, which was passed by Congress in 1972, placed Federal employees and agencies under the provisions of the Civil Rights Act of 1964. It established the Commission on Civil Rights and prohibited discrimination in federally assisted programs. The EEO Act gave the Civil Service Commission statutory authority to see that all personnel actions in the Federal Government are not only free from discrimination, but also are actively oriented towards equality of opportunity. It called for more affirmative action on the part of agencies than was previously required and provided for close monitoring of such action by the Commission.

In conclusion, the EEO policy of the Internal Revenue Service has a dual purpose: emphasizing affirmative action and prohibiting discrimination on the basis of race, color, sex, age, religion, or national origin. Each of us bears the responsibility for demonstrating that equal employment opportunity for all, and affirmative action for minorities and women, are entirely in accord with good management.

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Affirmative Action Programs 2

The Role of the Manager in EEO

EEO is management's program, and management's responsibility. Thus, a positive commitment to foster Equal Employment Opportunity is demanded of each of you. While certain functional responsibilities may be delegated to specific individuals, the ultimate success or failure of the program rests with managers themselves. There are many positive actions that can be initiated by managers at all levels. There are many positive actions that may be indicated. Some seemingly unrelated incidents may culminate in a formal EEO complaint. The wise manager seeks to minimize the risk of such an occurrence through his or her everyday exchanges with employees.

As managers, it is incumbent on us to be knowledgable and supportive of the Equal Employment Opportunity Program. This Handbook will acquaint managers with the basic components of the system, and will serve as a reminder of our rights and responsibilities.

Part 2 of the Handbook outlines some specific program areas; Part 3 provides some guidance on ways to exercise managerial commitment to EEO and to fulfill EEO responsibilities. Parts 4, 5, and 6 describe the EEO organization and the Complaint System.

Remember, as a public manager, a basic part of your mission is full support of public laws concerning equality of opportunity; EEO is good sound personnel management.

General Information

"Affirmative action" is a term which is often misunderstood. Affirmative action is that positive, aggressive action taken to eliminate discriminatory employment practices; to open doors which have previously been closed to some; and to ensure that job opportunities are made available to groups which we have historically neglected.

There may be some confusion as to what groups are addressed by the EEO Program. EEO is predicated on the concept that everyone is entitled to equal treatment; affirmative action attempts to ensure equal treatment for those groups that may not have received it in the past. It is important to remember that groups not specifically identified in Affirmative Action Plans are not excluded from our EEO responsibility. We want to make sure that they receive exactly the same treatment as everyone else. For example, the bulk of our affirmative action activities, and even the statistics we keep to monitor EEO progress, are addressed to the following minorities: Black, Hispanic, American Indian, Oriental, and Eskimo/Aleut. In addition, within each of these groups, we separately count men and women for purposes of measuring progress. The reason for such delineation is that the readily identifiable discriminatory practices have primarily been encountered by these groups. However, such identification does not mean that anyone else is excluded from the concept of EEO.

The Federal Government has established many Special Emphasis Programs within the broad EEO umbrella. Certain other programs, although not an integral part of EEO, are included here since they require special recognition by all levels of management. In addition, they make a substantial contribution to fair employment practices. These are the Physically Handicapped, Veterans Readjustment Appointments, and the Student Programs, (co-op, summer aide, student aide).

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All people are entitled to equal opportunity to be considered for employment, training, promotion, recognition, and all the other employment benefits we have. Affirmative action is an additional effort that we make to ensure that those groups that obviously suffered from past discrimination receive equal treatment in all respects. These efforts include:

1. specialized recruiting
2. placement of persons in jobs which offer them advancement in line with their abilities and ambitions
3. training (formal, on-the-job, details) so that employees can become more competitive for promotions.

Affirmative Action Plans

The Equal Employment Opportunity Act of 1972 requires the development of Affirmative Action Plans. These plans generally are submitted to the Civil Service Commission for approval. They provide for specialized recruiting, matching people to positions which offer them advancement in accordance with their abilities and skills, training employees to make them more competitive for advancement, and formulating projects to address special situations that exist for specific groups.

EEO Affirmative Action Plans are the Service's written commitment to Equal Employment Opportunity in all areas affecting employees and applicants. IRS Offices are required to submit Affirmative Action Plans each fiscal year. Once approved, the Plans become a public document as required by Section 717(b)(1) of Public Law 92-261. Signatories to an EEO Plan (e.g., Regional Commissioners or Directors) are responsible for ensuring that action items in the Plan are accomplished in a timely manner.

In preparing the Plans, input from various sources such as Special Emphasis Program Coordinators, EEO Committees, managers, and employees, is necessary. The Plans list specific activities to be undertaken in each action area. Individuals responsible for implementing each item of the Plan are also identified along with the target dates for the accomplishment of such. Periodically, responsible EEO personnel review the Plans to assure implementation of action items and to advise managers on their status.

Basically, the format of the Affirmative Action Plans deals with EEO goals and accomplishments in the eight areas designated by Executive Order 11478:

1. Organization and resources for administering the EEO Program,
2. Processing complaints of discrimination,
3. Recruitment activities,
4. Full utilization of employee skills,
5. Opportunities for employees to enhance their skills,
6. Training incentives and performance evaluation of supervisory personnel in EEO matters,
7. Community outreach, and
8. Internal program evaluation.

Manager's Responsibility

Managers should be *intimately and fully involved* in the preparation and execution of Affirmative Action Plans. Your input as to an assessment of the status of EEO in your office, problems that exist or may exist, and suggestions for action items to address and resolve problems, is vital to an effective action plan system. Similarly, your participation in carrying out action items is essential to the success of the plans.

Federal Women's Program

The purpose of the Federal Women's Program is to enhance employment and advancement opportunities for women in the Federal Government. The primary program efforts have been directed toward three main objectives:

1. creating the legal, regulatory, and administrative framework for achieving equal opportunity without regard to sex

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2. bringing practice in closer accord with merit principles through the elimination of attitudes, customs, and habits which have previously denied women entry into certain occupations, as well as high-level positions

3. encouraging qualified women to compete in examinations for Federal employment and to participate in training programs leading to advancement.

The Service's Federal Women's Program has the following additional objectives:

1. to design and maintain an organizational structure which will provide direction and resources for a result-oriented program

2. to ensure that the discrimination complaint procedure works promptly, fairly, and impartially

3. to assist in recruitment activities so that women candidates from all sources will be reached

4. to ensure that continued efforts are made to use, to the fullest extent possible, the skills, knowledge, and abilities of all interested employees

5. to ensure that opportunities for upward mobility are identified and that activities to aid upward mobility are initiated

6. to ensure that managers understand and support the objectives of the Federal Women's Program

7. to design and to assist in activities which will improve the employability of women

8. to assist in evaluation activities which adequately assess the Federal Women's Program and establish objectives to help solve identified problems.

Manager's Responsibility

It is the responsibility of every manager to make sure that women are assured equality of opportunity in every aspect of the Service's Personnel Management Program. Managers should support activities of the Federal Women's Program and should provide technical advice and assistance to FWPC's in their efforts towards achieving FWP objectives.

Managers are personally responsible for taking affirmative actions towards achieving objectives of the Program. You should be familiar with the FWPC and her role, endorse and publicize the program, assure that women employees are given information on advancement and developmental opportunities, and are counseled based on ability and potential (not based on inaccurate views of "women's work"). You should be aware of the unique concerns and problems of women, and you should participate in FWP seminars and activities.

Hispanic Employment Program

The Hispanic Employment Program, originally known as the Sixteen-Point Program, was designed to improve access to Federal employment for Spanish-speaking or Spanish-surnamed individuals. The objectives of the Service's Hispanic Employment Program are to intensify efforts to recruit qualified Hispanic persons and to afford them, when employed, equal opportunity for training and advancement.

Primary program activities are also directed toward:

- eliminating traditional discriminatory barriers to equal employment opportunity for Hispanic persons through the presentation of cultural awareness sessions and EEO seminars for managers and employees

- identifying public contact positions within the Service in which bilingual ability is required to deal effectively with individuals who communicate primarily in Spanish.

The program is designed to address all individuals of Spanish or Latin American origin or heritage who are interested in Government employment or who are presently Federal employees. Also included are persons of Hispanic background, regardless of race, who do not have Spanish surnames because of marriage or for other reasons. Hispanic persons are hired from the usual Civil Service Commission registers, through cooperative education agreements, student summer employment, and Veterans Readjustment appointments.

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Manager's Responsibility

The Hispanic Employment Program's ultimate success depends on the commitment and support of management at all levels. Managers must give HEP Coordinators full cooperation and support in their efforts to carry out the objectives of the HEP. The Program should be given wide publicity. You, as a manager, should seek out orientation and training to increase your awareness of the special concerns of the Hispanic population. You should assure that you and your employees are familiar with the HEP Coordinator and his or her role; you should assess the employment situation in your area of responsibility to determine if there are positions which can utilize bilingual ability; you should encourage recruitment and effective relationships with organizations serving the Hispanic population and with schools which have large Hispanic enrollments. You should support the Hispanic Employment Program through participation in conferences, seminars, etc., which promote the Program.

Upward Mobility Program

In 1969, Executive Order 11478 clearly set forth the Federal policy to provide equal opportunity in the employment, development, and advancement of Government personnel. Department and agency heads were made responsible for using the present skills of each employee to the fullest extent and for providing opportunities for employees to enhance their skills.

The Equal Employment Opportunity Act of 1972 gave further impetus to the Upward Mobility Program. This act requires agencies to include in their Affirmative Action Plans a provision for the establishment of training and education programs designed to provide maximum opportunity for employees to advance so as to perform at their highest potential.

In the Internal Revenue Service, the Upward Mobility Program (the formal phase of which is CADE: Career Development Program for lower level employees) promotes the effective use of the skills and abilities present in the work force. Special assistance is provided to help lower level employees to identify career goals and to obtain appropriate training.

Manager's Responsibility

Managers are among the most important ingredients in an employee's career success, since it is the manager's day-to-day supervision of the work, and participation in the IDP process, which helps employees set and achieve realistic goals. Identification of developmental experiences, looking for jobs which can be restructured, identifying jobs which can be filled by lower graded employees, and counseling employees on career goals are important parts of each manager's job.

Handicapped Program

The objective of the Handicapped Program is to provide employment opportunities for handicapped individuals who have difficulty securing employment in traditional labor markets. Individuals with impairments which would ordinarily prove a serious hindrance in obtaining employment qualify for the program. The impairments must be:

material rather than slight

relatively static as distinguished from definitely active or rapidly progressive

relatively permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

Types of Impairments

physical (amputees, individuals who are confined to wheelchairs, individuals with cerebral palsy)

blindness or other visual impairment

deafness or other hearing impairment

mentally restored—one who has experienced some mental or emotional difficulty, has received professional treatment, and has been judged by competent medical authority as ready for return to employment

mentally retarded—chronic and lifelong condition which in most cases is an improvable handicap, involving a limited, but

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nonetheless existing ability to learn, to be educated, and to be trained for useful productive employment.

Types of Appointments

The moderately handicapped and some severely handicapped who have not had difficulty being placed in a job are appointed through the normal competitive process.

Those candidates considered severely handicapped are employed through a 700-hour temporary trial appointment which can be converted to an unlimited Schedule A appointment.

Manager's Responsibility

It is the manager's responsibility to identify positions that can be filled by physically handicapped individuals. When a handicapped person is hired, the program coordinator and immediate supervisor must survey the physical surroundings to ensure that the person can navigate into and from all necessary parts of the building and that no serious harm could be suffered by the person or by other employees. The manager should recognize that handicapped employees may have special problems with which they and other employees may have to deal.

Veterans Readjustment Appointments

Executive Order 11521, issued in 1969, authorized Vietnam Era Veterans Readjustment appointments. The objective of this program is to ease the transition of Vietnam era (August 5, 1964—May 7, 1975) veterans from military service to civilian life. The program provides training opportunities for those who, largely because of inadequate education or training received before entering military service, are most in need of special help.

Type of Appointment—Excepted

The Internal Revenue Service is authorized to hire, through Veterans Readjustment appointments, at the GS–5 or WG–5 level or below.

The Personnel Division will ask for references from the Veterans Administration or State agency to fill a position. A qualifying veteran can be hired for a 2-year period. At the end of that time and upon successful completion of the training program, the veteran can be converted to career-conditional status noncompetitively.

Manager's Responsibility

A written veteran's training program must be developed jointly by the veteran and his/her supervisor and a personnel staffing specialist. In addition, the supervisor is responsible for making periodic progress reviews by discussing with the veteran his/her work performance and on-the-job training activities. Counseling is also an integral part of each veteran's program. The manager should assist the veteran in achieving immediate goals, in coping with problems of adjustment, in fulfilling work-related interests, and in attaining long-range career aspirations.

Student Programs

The importance of the individual manager in the conduct of successful youth employment programs cannot be overemphasized. The manager must provide meaningful assignments, necessary assistance, and recognition of work well done.

Cooperative Education Program

This program is for students who, in accordance with a cooperative arrangement between the school and the Internal Revenue Service, receive instruction in an occupational field by alternating periods of study with periods of related work. Upon satisfactory completion of academic work and on-the-job training, the student can be converted to career-conditional status noncompetitively.

The program provides one method of strengthening the career service in professional, administrative, and technical occupations. Among the objectives to which cooperative education can contribute are:

encouraging student interest in new or developing occupations or professions

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relieving situations in which recruitment traditionally has been limited to one sex

securing a head start in the recruitment of top quality students, particularly students from minority and women's colleges.

To be eligible for the college program, the student:

must be attending an accredited college or university on a full-time basis; the college must have a cooperative education program which permits alternating periods of study and work for students

must have at least a "B" average or be highly recommended

must meet the requirements for GS–2 to GS–5 positions.

Nonbaccalaureate Program

The objective of this program is to help prepare a student for employment after graduation by relating the student's work assignments with his/her major field of study. To be eligible for the program, the student:

must be enrolled full time in a 2-year college or a 2-year technical institute

must meet requirements for GS–1 to GS–4 positions.

Cooperative Education High School Program

The objective of this program is the same as that for the noncooperative education college program. To be eligible for the program, the student:

must be enrolled full time in a high school that has a cooperative office education program

must meet requirements for GS–1 to GS–4 positions.

Summer Aide Program

The purposes of this program are:

to accomplish needed work

to provide needy youths an opportunity to be paid for meaningful work, develop good work habits, learn to cope in a work environment, enrich their career goals, and learn more about the activities of government.

To be eligible for this program, the student must:

meet financial need requirements

be 16 to 21 years of age.

Summer aides are appointed under the excepted authority in Schedule A, which does not require the applicants to take tests. They receive the minimum wage and may work a 40-hour week.

Stay-in-School or Student Aide Program

This program is an extension of the Summer Aide Program in that it allows needy youths to continue employment during the school year. The requirements for the program are the same as those for the Summer Aide Program. Students are permitted to work 15 hours a week while enrolled.

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Commitment and Responsibility

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Awareness and Sensitivity

This section contains information, guidance, and some practical "do's and don't's" in various management areas. It is designed to help you integrate EEO principles and mandates into your everyday management behavior. It also contains some suggestions for positive actions which will further the Service's EEO efforts and, at the same time, show you are a manager who has exceeded normal requirements.

An effective EEO Program requires that managers be alert to potential areas of discrimination and be sensitive to the attitudes and expectations of their employees. This awareness and sensitivity will help managers avoid creating problems and will ensure that recruiting, development, and advancement of all employees is carried out in a fair and impartial manner.

Before we can solve a problem, we must know that we have one. It is easy for us to sit back and say that we have no problem, that discrimination in our operation does not exist since we know we are fair and impartial. However, unless we actually take a critical look at our organization, we may never realize exactly what is going on in terms of fair treatment of our employees. It behooves us to appraise our EEO effectiveness by analyzing our work force. Questions to be asked in the EEO analysis should include the following.

1. How many men? Women?
2. How many minorities (men and women)?
3. How many men, women, and minorities are there in each occupational series?
4. What are their grade levels?
5. When was each employee last promoted?
6. Which employees are in dead-end positions?
7. Are there any deficiencies in the work environment?

This analysis might show some EEO problems. For example, all men in higher grade levels and women in lower grade levels in the same series might show deficiencies in recruiting practices. This could also indicate possible discriminatory practices in terms of training and development or in promotion selections. Managers must try to identify the causes of such imbalance. Attempts to correct this situation would include the identification of training needs, career counseling, preparation of Individual Development Plans and other steps to improve chances for promotion or better positions.

Effective EEO performance requires not only that managers be alert to problems, but also that they be sensitive to the needs of employees and to the impact their actions have on employees. It is sometimes difficult for us to make a judgment as to how other people would want to be treated. We know how we want people to treat us; we do not, however, know how each individual with whom we deal wants to be treated. What to us is acceptable, may be unacceptable to others. What to us is a funny joke, may be a grievous insult to others.

Some of our employees may not feel comfortable in communicating with their managers. We recognize that at least one traditional barrier to good communication is the mere fact that a manager is a manager and, thus, to some employees may seem to stand in a somewhat exalted position. However, some of us unconsciously contribute to this situation by such actions as calling our subordinates by their first names and then insisting on a formal address to us as managers. Many women employees resent being referred to as "my girl" instead of "Miss Jones," "my secretary," etc. There are standards of proper name and title usage and there are degrees of formality required in any business organization. However, each of us must be constantly on the alert to avoid types of addresses and conversation which are not applied uniformly to all employees and which may be considered demeaning by some. Thus, if we address our men employees as Mr. so-and-so, it would be appropriate to address women employees by their proper titles. Women employees don't like to be addressed with male terms. Why, then, should a women be a chairman? Would we address her as gentleman?

Similar considerations probably apply to almost every employee we have. Ethnic jokes rarely are funny to the individual belonging to that particular ethnic group. Jokes about a particular religion are generally funny only to those individuals

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of different religions. The term "boy" is probably considered demeaning by most men, but particularly by black men who consider the term as a deliberately insulting word. Cracks about women's liberation are not particularly humorous to the woman employee who wants nothing more than a fair chance at the next promotion.

Managers may unconsciously create undesirable environments by their actions as well as by the way they speak. If a manager joins men employees at coffee breaks and lunch periods and excludes women employees doing the same job, the women employees may infer that they are considered second-class employees. Moreover, such exclusion prevents women employees from being part of the informal peer organization and thereby removes them from an important source of information.

Giving white employees ostensibly easy assignments, while giving blacks and other minorities the worst ones, certainly does not reflect an environment of fairness and impartiality. Excluding certain groups from social activities, such as picnics and holiday parties, is discriminatory. If employees have religious dietary needs and office parties or retirement affairs are given in places which cannot fill their needs, how much fairness are we displaying to those employees?

Managers should also be sensitive to the career aspirations of their secretarial and clerical employees. They may be interested in moving into a professional series and may need the manager's advice and counseling on how to do so.

Managers effective in EEO critically look at the organization and at themselves to ensure they are being fair and impartial. They also recognize that while the intention of their actions is important, the manner in which the actions are perceived is crucial.

Recruiting

The initial step in a good EEO Program is positive, aggressive recruiting. It is axiomatic that EEO is a full-circle process. We can never ensure a fair cross section of minorities and women in our organization unless we hire them. Not surprisingly, they are not too eager to apply for jobs in organizations that have never hired, or are known to have hired only a token number of minorities and women. Thus, the managers who say, "We don't have any EEO problems because we don't have any minority or women employees," are really pointing the finger of failure at themselves for not making a substantial contribution to an effective recruiting program.

Recruiting is a responsibility of every manager. Although the Personnel Division has significant planning and coordinating responsibilities, line management, in the final analysis, carries an equal, if not greater, responsibility for a positive, aggressive recruiting program. Although we may recognize this managerial responsibility, it may be somewhat difficult to identify the contributions that might be made toward effective recruiting and those for which we might actually be held accountable. Managers who are members of a panel getting only white, men applicants for interviewing might very well point out the potential problem to their superiors, so that the situation can be brought to the attention of appropriate managerial levels for corrective action.

Managers could also do some other things which, while not required, would certainly indicate their desire to increase the effectiveness of the EEO Program. Managers who seek out speaking engagements before organizations and groups to heighten minority job applications, who use whatever personal community contacts they may have to spread the message of IRS employment opportunities, are above average in EEO effectiveness. The same managers could make effective contributions by asking for minorities and women for consideration as co-op's or summer aides. By doing a conscientious job in the employment of the individual, managers will create a favorable image of IRS in the school to which the individual returns. Each such event adds to the total effort in making significant progress in EEO.

Managers desirous of performing well in the EEO area should make their availability for EEO-oriented assignments known to their superiors. These assignments could include recruiting contacts with college placement officers, speaking engagements before specialized groups, and even such long-range items as working in high schools, encouraging an interest in college accounting courses, or counseling students on mastering interview techniques. The imaginative manager will come up with new ideas for short- and long-range recruiting and will make those ideas known.

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Interviewing

Your role in the interview process is an important one. Whether interviewing a candidate for employment or for a promotion, the rules to follow are the same. Here is a positive approach to an interview which should help you prepare interview questions. Project an attitude that people do the work and any person who can do the job can join the team. Topics you can freely discuss with the candidate are:

- the job, its duties and responsibilities
- the person's qualifications: abilities, experience, education, and interests
- where the job is located, travel, formal training, and duty hours
- the IRS, its missions, programs, and achievements
- career possibilities and opportunities for growth, employee development, and advancement.

We know that people have been discriminated against during the interview process and that discrimination may still occur in some interview situations. Discriminatory behavior is as improper when it is not intended as when it is, and the appearance is as important as the reality. In order to avoid some pitfalls, let's examine situations which are "discriminatory."

Question In interviewing a women candidate, you ask: "I see on your 171 that you have two children. What arrangements have you made for their care if you are employed by us?"

Objection The question is not job related. How a person's children are cared for is strictly personal; it has no bearing on her ability to perform the job. If she is not hired, she may perceive that the interviewer did not approve of her role as a mother and therefore did not consider her as a viable candidate.

Alternative Question None

Question "As a woman, do you feel that you are able to cope with the strains of being a manager?"

Objection The inference here is that women are not biologically, sociologically, or psychologically as capable of performing managerial duties as are men.

Alternative Question Delete the phrase "as a woman" and proceed to set up job-related situations in which she can illustrate her expertise in managing.

Question In interviewing an older person, you ask: "What are your plans for retirement?"

Objection This may be viewed as age discrimination if the candidate does not get the job. The candidate may feel that he or she has been ruled out because of the nearness of retirement eligibility.

Alternative Question "What are your career plans?" This question is and can be asked of all candidates regardless of age, sex, etc.

Question "In the position for which you are applying, you might have to do some extensive traveling, possibly being away from home several nights at a time. Would your spouse object to this?"

Objection You are interviewing the applicant, not the spouse. How the spouse feels is the candidate's concern, not yours.

Alternative Question Delete the phrase "Would your spouse object to your traveling" and ask the individual if he/she would be able to travel and to attend training for certain periods of time at certain locations. These are job-related questions because they concern the candidate's ability to perform the duties.

Question "I see you are wearing a lovely engagement ring; are you getting married in the near future?"

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Objection — Although this question appears to be of a friendly, innocent nature, some women may take offense to it. The implied question is, "I wonder how long she will be working? After all, after she gets married she will probably quit and have a family."

The same is true of asking about plans for having a family.

Alternative Question — "What are your goals for the next 5 years?" This question is suitable for all candidates.

Question — In interviewing an older person for a group manager position, you ask: "The group for which you are applying is composed of trainees. Do you think you can bridge the generation gap and effectively manage these employees?"

Objection — This question is loaded with implications of bias against age. It implies that only young managers can manage young employees. The candidate's ability, not age, is the important consideration in the selection process.

Alternative Question — "The group for which you are applying is composed of trainees. What do you feel you could do to answer the special needs of new employees who have had no previous experience (in terms of providing technical assistance, career counseling, and development)? Do you see any problem in handling a group of new employees versus handling a group of experienced employees?"

Question — In interviewing a black employee, when several of the same positions are open in different locations, you ask: "I assume you are applying for the vacancies in the inner city?"

Objection — This is an obvious demonstration of bias, and assumes that the black employee wants to work only in areas of a large black population, or, even worse, that you as a manager consider that blacks should work only in black areas. The reverse situation, telling a white applicant that you assume he/she is applying only for the predominantly white areas, demonstrates the same degree of bias. Again, color has obsolutely no bearing on the qualifications needed for filling the position.

Alternative Question — "For which vacancies are you applying?"

Question — In interviewing a black employee, you ask: "The course is pretty tough; do you think you can keep up with the rest of the class?"

Objection — This question can very easily offend anyone, particularly when asked of members of minority groups who, because of past experience, are quick to recognize indications of bias. It would probably also offend a woman, an older person, or in fact any person, since it has insulting connotations.

Alternative Question — It is entirely proper, and probably desirable, to give some indication of the course requirements to all people being interviewed. If appropriate, relate any questions dealing with possible deficiencies to the specific part of the course being discussed.

In interviews, it is popular to set up situations which will cause the candidate to take a stand and defend an argument. But the interviewer must take care in selecting questions. Sensitive questions of a political, ethnic, or group-related nature must be avoided.

The following are some examples of unacceptable "pressure" questions:

asking a woman what she thinks of the women's liberation movement, abortion, birth control, the equal rights amendment

asking a black what he/she thinks of the race riots or the NAACP, etc.

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asking political questions such as—"Who is your favorite candidate and why?" "What do you think of the U.S. involvement in other countries' policies?"

Remember, the key to a successful interview is to ask only those questions that are specifically related to the job and its duties and to the applicant's ability to perform those duties. However, this merely guarantees that applicants will feel they are given an unbiased interview. It does nothing toward ensuring that the selection ultimately made is free of bias.

The interview is only one step in determining who gets hired. If managers feel, for example, that women with small children will not be able to perform well if the children are home ill, then even though they don't ask the question at the interview, they will be discriminating against women in making the selection. Fair interviewing requires not only the elimination of discriminatory questions but the elimination of any discrimination in the mind of the manager doing the interview. If the manager truly recognizes the principle that the only hiring considerations are the requirements of the job compared to the capabilities of the individual being interviewed, then the interview will be fair and effective in helping to determine who is best qualified for the job.

Assignment of Work

When you are assigning or distributing work, you must do so without regard to the race, color, religion, sex, national origin, or age of your employees. Do not assume that women and minority employees will not travel, are not mobile, do not want responsibility, cannot function in certain jobs, etc.

As you read this, why not reflect on your everyday assignment practices. Are they free from discrimination or the appearance of discrimination? Ask yourself:

If some work assignments are considered more pleasant (or unpleasant) than others, am I careful to see that these are not constantly given to members of particular ethnic groups or employees of a certain sex?

Do I give developmental assignments on a planned basis to all employees who need or have expressed a desire for development?

Do I give all employees equal consideration for temporary assignments, details, and acting roles which may enhance their qualifications or give them a chance to show what they can do?

If you can answer yes to all these questions, your work assignment practices, as they relate to EEO, are positive in these areas. However, if you are to achieve maximum use of the skills available in your area of responsibility, you must be constantly alert to ensure that your work assignment practices conform to the law and to the Service's policy of equal employment opportunity.

Employee Development

The principles and techniques involved in employee development are a restatement of those good management principles and practices which the truly effective manager has always used.

You Should:

Identify skills and talents of employees that are not being fully used.

Recognize those employees who have potential for more responsibility or higher grade jobs. Guidance, assistance, and encouragement should be offered to help each person achieve career goals.

Give all employees equal consideration for temporary assignments or details which may enhance their qualifications, develop their confidence, and give them a chance to show what they can do.

Encourage reluctant or timid employees to develop their skills and training so they will be available for higher level positions compatible with their real potential.

Assist in the preparation of Individual Development Plans

Recognize that employees with different backgrounds may have value systems different from yours. In making assignments and helping employees to reach their full potential, limit your evaluations and advice to job requirements and pertinent factors.

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An attempt to judge someone by the standards of your own background or convert someone to your own image invites disaster. Properly introduce all new members to your group and help them to adjust to their new environment. This includes the work area, lunch breaks and other job-related activities.

You Should Not:

Constantly select a favorite employee for a detail.

"Write off" any of your employees when considering further development. Labels such as "topped out," "not motivated," and the like may be convenient but may bear no relation to fact. To ignore any employee is a developmental opportunity lost.

Permit only certain employees to participate in solving problems and offering feedback. Team spirit and ego, as well as allegations of discrimination, are at stake.

The development of your employees is a prime responsibility. To be successful, you must be aware of the talents, current levels of accomplishment, goals, and aspirations of the employees you manage. It is also very important that you have empathy for any difficulties or special problems that your employees might have. The degree of imagination, ingenuity, and creativity used is the real key to success in this area.

Counseling

Counseling, particularly in the equal opportunity area, requires sensitivity, a willingness to listen, and genuine concern for the problems of your employees. To achieve good results, your counseling should be realistic and provide a challenge which will help foster personal growth and development.

Special efforts should be made to become familiar with programs that affect minorities and women. You should also become familiar with the names, locations, and responsibilities of EEO officials, coordinators, counselors, and other personnel who play an important role in the implementation of the EEO Program.

Counseling Considerations

1. Consider the development of flexible work schedules which permit employee attendance in self-development courses.
2. Disseminate information to all employees regarding opportunities for training and development.
3. Provide space or other facilities to permit employee participation in training courses pursuant to your counseling activity.
4. Consider the adjustment of duty hours which might enable employees to engage in outside training and educational opportunities.
5. Encourage an atmosphere of cooperation and managerial concern by explaining to all employees within your unit the purposes of the EEO Program and your responsibilities under the program.
6. Be alert to the development of hostility and feelings of "reverse discrimination" among employees.
7. Do not engage in the practice of encouraging or counseling only certain employees.
8. In counseling employees, recognize differences in attitudes, abilities and personality characteristics which may affect employee development and progress.
9. Recognize the counseled employee's temperament, stress, amount of independent action, and need for direction or control.
10. Identify the counseled employee's physical capacity as it relates to the position identified for developmental purposes.
11. Determine the employee's present self-concept. Help develop a positive self-image.
12. Become aware of each employee's special problems and needs.
13. Encourage an atmosphere of openness and the free exchange of ideas.

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14. Involve the employee in the decision-making process in the development and pursuit of career interests.
15. Encourage employees to share ideas to improve their performance and working conditions.
16. Ensure that criticism is constructive and from a positive point of view.
17. Praise good performance.
18. Meet periodically with employees to discuss their progress and help them to develop their potential.

Evaluations

In establishing the criteria for evaluations in any area, it is important that each individual be rated only in terms of items that are relevant to the job. It is also important that evaluations be based upon objective levels of achievements under each item, rather than upon the manager's subjective standards of performance. For example, in rating an individual on oral communication, the standard is whether or not the individual can clearly and concisely communicate ideas to someone else. The standard is not what the manager thinks is a good oral style, or whether the individual speaks with an accent or uses complex language.

Similar considerations should concern the manager in every aspect of an evaluation. For example, initiative is measured by those things an employee does, not by loud aggressive talking or flashy personal style. The dependable employees are those who do the job without being watched day in and day out; not those who manage, every day, to let the manager know they are still around. The tendency to label people can have disastrous results in the evaluation area. Unless we very carefully consider an employee's level of achievement in each specific area of performance, we tend to evaluate in terms of the label rather than in terms of performance. Reliance on style rather than results leads managers to rate as superior those employees who are most nearly cast in the manager's own image. This type of stereotyping perpetuates discrimination and prevents the operation of equal employment opportunity.

Managers should discuss and, if possible, establish mutually agreed-upon goals with employees. In addition, performance results should be communicated frequently. This makes the evaluation process more meaningful, both for the manager and for the employee.

Promotions

Managers, in carrying out their EEO responsibilities, must make a good faith effort to ensure that all employees within the Internal Revenue Service are given the maximum opportunity for advancement. When possible, managers should help employees prepare Individual Development Plans for their short- and long-range personal career needs. Employees whom you judge to show no capacity for future advancement in your organizational unit might have promotional opportunities in other divisions or sections where different capabilities or skills may be used. You should strive to identify employees with underused skills and assist them in acquiring positions (within or without your unit) which will offer opportunities to make maximum use of those skills.

Each manager must judge employees as individuals and not on the basis of characteristics which he/she may attribute to racial or sexual groups. Managers must be aware of cultural differences among employees and recognize that a person's thoughts, speech, mannerisms, dress, and religious views are influenced by prior cultural experiences. The diversity of cultures is a strength of our country and has no bearing whatsoever upon the quality of job performance.

Failure to promote a person because of sex, race, color, age, religion, national origin, or other stereotyped characteristics is illegal and obviously unfair. Examples of unacceptable managerial conduct include:

1. failure to promote a woman because the manager assumes that the turnover rate for women is higher than for men
2. denial of promotion because of age, sex, or religious views
3. refusal to promote a woman because of her husband's earning capacity
4. refusal to promote a person because of speech pattern or accent

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5. failure to promote a woman because of the manager's assumption that women are not as aggressive as men
6. refusal to promote a woman because the job in question has traditionally been occupied by men.

The following guidelines will help to ensure that promotion actions are nondiscriminatory.

1. Promotion panels should, whenever possible, include minorities and women.
2. Managers should give all employees an equal opportunity for details and assignments which may help give them experience required for promotion.
3. Standards or other promotional criteria which are not job related should be brought to the attention of the manager's supervisors.
4. Managers should develop the true requirements of the job and eliminate selection criteria that are inappropriate; for instance, they should not assume that women and minorities have different travel and job environment needs.
5. Managers should ensure that they have complete and current qualification information on all employees competing for a vacancy.
6. When an opening exists in an organizational unit that does not have an adequate representation of minorities and women employees, serious consideration should be given to the selection of someone from the under-represented group who is on the best qualified list.

Awards Programs

The most valuable asset an organization has is its employees. In the economic world, one makes investments to increase assets. The same is true when dealing with employees. One of our goals is to increase efficiency; one way to do this is to encourage and recognize contributing employees by monetary and honorary awards. Recognition is a most effective incentive, both for the recipient and for co-workers. There are several categories of awards for which monetary benefit is received:

Suggestion Awards

Are given for adopted suggestions which directly contribute to the economy, efficiency, or effectiveness of Government operations.

Special Achievement Awards are available in two categories:

Sustained Superior Performance Awards

are given for individual performance which exceeded normal requirements and was sustained over a significant period.

Special Act or Service Awards

are given to an individual or group for performance which exceeded job requirements as a one-time occurrence.

Quality Increase Awards

Are given for high quality performace which is above that normally found in the position concerned and which has been sustained over a reasonably sufficient period of service. It is an additional within-grade increase that immediately raises the employee's salary.

Other Awards

The other group of awards bestows honor upon the recipient in the form of a plaque, medal, certificate, or letter. These awards have specific criteria demanding high levels of achievement. Because of these factors, the manager normally submits nominations for honorary awards in response to special announcements publicized whenever an award is due to be presented. The following are some of the honorary awards available to IRS employees:

Federal Women's Award

This award is determined at the Governmentwide level. Its purpose is to focus nationwide attention on the accomplishments of exemplary career women in the Federal Government and pay tribute to them. Eligibility may be based upon achievements that have had an important effect on a major Government program or upon specific outstanding accomplishments which have made an important contribution to administrative, social, scientific, or technical progress in the work of a Federal agency.

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Outstanding Handicapped Federal Employee of the Year Award

This is an all-agency award to recognize individual achievements and to increase awareness of the contributions being made by the handicapped. The award thus focuses attention on opportunities in the Federal Government for the handicapped.

Recognition for Achievements in Equal Employment Opportunity

This is a method authorized by the Federal Personnel Manual, Chapter 713–19, Subchapter 5, to recognize deserving supervisors and/or employees for significant achievements in providing Equal Employment Opportunity. Other benefits from this type of recognition are to demonstrate the value management places upon employees who actively and effectively contribute to Equal Employment Opportunity and to effectively give impetus to the Equal Employment Opportunity Program by publicizing the superior accomplishments of the award recipients.

These are just a few of the honorary awards available. For more information on these or other awards, managers should contact their Personnel office.

The manager has the most important part in the success of the awards program. You, as a manager, are responsible for:

- recognizing and rewarding employees when merited
- ensuring that awards are given to deserving employees without regard to race, sex, etc.
- writing and submitting the nomination
- ensuring that the information is accurate and that you have represented the employee fairly
- presenting the award at a suitable ceremony.

Community Outreach

It is important that each manager recognize that the Federal Government is a significant part of any community. As a part of the community, the IRS manager should consider becoming active and involved. Community problems, such as transportation, education, crime, taxes, parks and recreation, have some impact on all of us. To the extent that managers are active in community affairs, they may make significant contributions to the IRS EEO effort.

A very obvious use of community contacts is using memberships in local professional groups as recruitment sources. Equally obvious is the use of contacts maintained in alumni associations, fraternities, sororities, and similar educational organizations.

Also important is the use of religious and social contacts to foster an acceptable employment image in the community. Recruiting is seldom successful unless the community sees our office as a good place to work and sees us as being eager to employ any qualified member of the community without regard to race, sex, etc.

Managers can be effective in the EEO area if they participate in community affairs and strive to develop the image of the Federal Government as an equal opportunity employer. The EEO-oriented manager will also recognize subordinates who, through their community activities, contribute to a good government image.

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The EEO Structure

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EEO is a management program. The bottom line responsibility for effective EEO is the Service's cadre of managers and executives. However, there are a variety of individuals in support, advisory, and Program Coordination roles who help plan and carry out EEO activities.

EEO Officers

The IRS EEO Officers have primary Program responsibility. It is their job to process formal complaints of discrimination, and to provide management with advice concerning the EEO program in general. They are also responsible, along with Personnel, for evaluation of EEO Programs.

EEO Advisory Committees

EEO Advisory Committees exist in most offices, with membership determined by negotiated contracts with NTEU. Committee responsibilities include:

- assisting in the identification and development of items for the EEO Affirmative Action Plans
- reviewing progress under the plan and advising management on the implementation of the plan
- reporting concerns and making recommendations about EEO matters to management

Program Coordinators

EEO and Special Emphasis Coordinators (e.g. Federal Women's Program Coordinators, Hispanic Employment Program Coordinators, CADE Coordinators, EEO Coordinators) have specific responsibilities for program development and implementation. They serve as the focal point for information on their particular programs and participate fully in development and implementation of the EEO Affirmative Action Plans.

EEO Counselors

EEO Counselors serve as a bridge between employees and management and attempt to resolve employee complaints on an informal basis. They provide an open and systematic channel through which employees may raise questions, discuss complaints, get answers, and informally obtain resolutions of problems connected with equal employment opportunity.

(Note: A list of Coordinators and Counselors, with room and phone numbers should be prepared by each office and included as a supplement to this handbook)

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The EEO Individual Complaint System

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Role of the EEO Counselor

An employee, former employee, or applicant for employment, who believes he/she has been discriminated against because of race, sex, color, religion, national origin, handicap, or age, may consult an EEO counselor of his/her choice to discuss the problem. The employee must contact the counselor within 30 calendar days of the alleged discriminatory action. The employee may choose a representative to be present during this informal discussion or at any other time during the complaint process.

The counselor informs the employee of his/her rights and attempts to resolve the problem to the employee's satisfaction. If resolution is not achieved within 21 calendar days from the date of the counselor's initial contact with the employee, the counselor issues a letter (Notice of Right to File) to advise the employee of his/her right to file a formal complaint.

The counselor and the employee may, by mutual agreement, continue the counseling process for a reasonable period of time beyond 21 days. If the complaint is not resolved to the employee's satisfaction by the end of the counseling period, the counselor must issue the Notice of Final Interview.

Formal Complaint

The employee has 15 days after receipt of Notice of Final Interview to submit a written formal complaint. The complaint must be specific and must be limited to the matters discussed with the EEO counselor. Complaints may be submitted to Federal Women's Program Coordinators the Hispanic Employment Program Coordinators, EEO Officers, or the Equal Employment Opportunity office of the Treasury Department. Complaints not filed directly with an EEO Officer are transmitted to him/her for necessary action.

When the complaint is received, an investigator from an office other than the one against which the complaint was filed, is assigned to look into the matter and advises the employee of this action. EEO investigators are specially trained to investigate complaints of discrimination. When IRS investigators are not available, investigators from the Civil Service Commission are used.

After an impartial investigation is conducted, the complainant is given a copy of the investigative file and is afforded an opportunity for an informal adjustment. If an adjustment is not agreed upon, the IRS EEO Officer will notify the complainant of the proposed disposition of the complaint. The complainant will also be informed of his/her right to:

- a hearing by a Civil Service Commission EEO Complaints Examiner, with a subsequent decision from the Treasury Department
- a decision from the Treasury Department without a hearing.

If the complainant does not request either of the above within 15 calendar days, the proposed disposition may be adopted as the final decision of the agency. If a hearing is requested, the Treasury Department asks the Civil Service Commission to assign an EEO Complaints Examiner. The Complaints Examiner reviews the file, requests further investigation, if necessary, and schedules and conducts a hearing.

The hearing is recorded and transcribed verbatim. The Complaints Examiner then forwards his/her findings and recommendations for a decision to the Treasury Department. The Department makes a final decision and provides the complainant with a copy of the Complaints Examiner's report. If the recommended decision is not adopted, the reasons for such action must be specified.

Further Appeal or Civil Action

If the complainant disagrees with the agency's decision, he/she may:

- file an appeal with the Civil Service Commission's Appeals Review Board within 15 calendar days of the agency decision, and/or
- file a civil action in a Federal District Court within 30 calendar days of the agency decision.

If the complainant is dissatisfied with the Appeals Review Board's decision, he/she can file a civil action within 30 days after receipt of the Board's decision. The complainant also has

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The EEO Class Complaint System 6

the right to file a civil action if:

an agency decision is not received within 180 days after the formal complaint was filed, or

a decision from the Appeals Review Board is not received within 180 days after the appeal was filed.

Age Discrimination

With minor exceptions, the procedures for handling age discrimination complaints are the same as those for complaints based on race, color, religion, sex, or national origin. To process discrimination complaints based on age, the employee must be at least 40 and less than 70 years of age at the time of the alleged discriminatory action (non-Federal employee applicants must be at least 40 and less than 65 years of age). If the complainant disagrees with the final decision of the agency or the final action taken by the Civil Service Commission on an appeal from the agency's decision, he/she may file suit in a Federal District Court. Time limits for filing civil actions in age discrimination cases are not specified in law. Moreover, a complainant, after giving 30 days notice to the Civil Service Commission, may file a civil action and proceed directly into court without going through the Service's EEO complaint system.

New Civil Service Commission procedures became effective in April 1977 to provide for the processing of class complaints of discrimination. There are two primary components of a class complaint:

an incident on which the complaint is based

an identified agent who has been affected by the same incident which similarly affected the class

The class complaint must be filed by the agent of the class on behalf of the class. Specially trained EEO counselors perform the precomplaint counseling and processing. Formal class complaints must be filed with the Department of the Treasury, not with the Internal Revenue Service. The Office of Equal Opportunity Program in Treasury is responsible for processing class complaints. A synopsis of the basic steps in the processing of such complaints follows.

1. The employee or applicant who wishes to be the agent of a class must contact an EEO Counselor within 90 days of the alleged discriminatory action affecting him/her.
2. The EEO counselor has 30 days to attempt informal resolution, terminate counseling, and provide a written report to the Director of the Equal Opportunity Program in Treasury and to the aggrieved person. This counseling period cannot be extended.
3. If informal resolution is not effected, the employee or applicant has 15 days following his/her final interview with the EEO counselor to file a complaint of discrimination with the Director of the EEO Program in Treasury.
4. Within 10 days of receipt of the complaint, the agency asks the Civil Service Commission to assign a Complaints Examiner.
5. The Complaints Examiner reviews the file and recommends to the agency that the complaint be either accepted for processing or rejected.

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6. The agency has 10 days to adopt or reject the Complaints Examiner's recommendation. If it does not do so within 10 days, the recommendation automatically becomes the agency's decision.

7. If the agency rejects the class complaint, the complainant may appeal to the Appeals Review Board within 15 days or file a civil action in a U.S. District Court within 30 days.

8. If the agency accepts the class complaint for processing, it must, within 15 days, use reasonable means to notify all class members of the existence of the complaint. Class members have 30 days from the issuance of the notice to remove themselves from the class by advising the agency in writing.

9. Upon acceptance of the complaint, the agency head appoints a person to represent the agency in the complaint process and advises the Complaints Examiner of the appointment.

10. The Complaints Examiner then notifies the agent of the class and the agency representative that they have 60 days to develop evidence and prepare their cases for hearing.

11. Following the period of preparation, the Complaints Examiner schedules and conducts a hearing. At the conclusion of the hearing, the Complaints Examiner transmits to the agency head the record of the hearing, his/her analysis, findings, and recommended decision on the complaint. The recommended decision also includes suggestions for corrective action for systemic relief for the agent of the class.

12. The agency head has 30 days to accept, reject, or modify the findings and recommendations of the Complaints Examiner. If the agency fails to act within 30 days, the Complaints Examiner's findings and recommendations become the final agency decision.

13. Within 5 days of the expiration of the 30 day period, the agency must transmit its final decision and the record of the hearing to the agent of the class. Within 10 additional days, the agency must use reasonable means to notify all class members of its decision.

14. The agency's notification to the agent will include information regarding the agent's right of appeal and right to file a civil action. The agency's notification to class members must include, if appropriate, instructions on how to apply for individual corrective action.

15. When discrimination is found, a class member may file a written claim for individual corrective action within 30 days of notification of the agency decision. The claim must be filed with the Commissioner of Internal Revenue, within no more than 135 days preceding the filing of the class complaint. It must show that the individual is a class member, and must specify how the individual was personally and adversely affected by the discriminatory policy or practice.

16. The Internal Revenue Service has 40 days from the date of the claim to attempt to reach a resolution with the claimant. If resolution is not reached, Treasury has 60 days from the date of the claim to seek resolution. If resolution is not reached at this point, the claim will be referred to the Complaints Examiner who will allow the parties to submit evidence and request a hearing.

17. The Complaints Examiner will submit to the agency a report of findings and recommendations on the claim, which the agency will treat in the same manner as the findings and recommendations on the complaint (see items 11, 12, 13, and 14).

18. A claimant has the same rights to appeal an agency decision on his/her claim and to file a civil action as do complainants (see item 7).

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Notes

Class.

A class is a group of agency employees, former agency employees or applicants for employment with the agency on whose behalf a complaint is filed. In the complaint on behalf of the class it is alleged that they have been, are being, or may be adversely affected by an agency personnel management policy or practice which the agency has authority to rescind or modify and which discriminates against the group on the basis of their common race, color, religion, sex, national origin, or age.

Representation.

Complainants, agents, and claimants, have the right to be represented by a person of their choice at any stage of complaint processing, including counseling.

Reprisal.

Reprisal against any person participating in the discrimination complaint process is prohibited. Allegations of reprisal are treated as individual complaints of discrimination.

Resolution.

At any time after acceptance of a complaint, the complaint may be resolved by agreement of the agency and the agent. The resolution is binding on all members of the class.

Reopening and Reconsideration.

The Civil Service Commissioners on their own motion or at the request of either party, may reopen and reconsider any previous decision of any Commission office.

Right To File a Civil Action.

A complainant, an agent, or a claimant may (as noted above) file a civil action in the appropriate U.S. District Court within 30 days of receipt of the agency's final action on the complaint or claim. In addition, a civil action may be filed:

- if the agency has not issued a final decision within 180 days after the complaint or claim was filed
- within 30 days after receipt of a decision from the Appeals Review Board
- if the Appeals Review Board has not issued a final decision within 180 days after the appeal was filed.

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A Manager's Checklist

Responsibilities Under the EEO Program

Since an integral part of the responsibilities of every Internal Revenue Service manager is to provide equal employment opportunity to all of his/her employees and to consistently adhere to the policy requirements of the overall EEO Program, this questionnaire is devised as a self-check to make you aware of what some of those requirements are and aid you in assessing whether or not you are meeting your responsibilities.

1. Have I checked in my unit to determine if minority groups are "out of balance", e.g., concentrated in relatively low grade jobs?

	Total		Black		Hispanic		Native or Asian American	
	M	F	M	F	M	F	M	F
GS–2								
GS–3								
GS–4								
GS–5								
GS–6								
GS–7								
GS–8								
GS–9								
GS–10								
GS–11								
GS–12								
GS–13								
GS–14								

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2. If the staffing pattern is not in balance, have I discussed this with my supervisor and developed a plan of action to improve the situation by positive counseling and assistance?

Dates	Result obtained
_____	_____
_____	_____
_____	_____

3. Have I contacted the Hispanic Employment Program Coordinator, Federal Women's Program Coordinator, or Equal Employment Opportunity Program Coordinator to discuss staffing balance, promotions, recruitment efforts, etc.

Contact Dates	Results obtained
_____	_____
_____	_____
_____	_____

4. When asked, do I attend EEO meetings such as the Federal Women's Program, Hispanic Employment Program, and Affirmative Action Advisory Committee Meetings in an effort to keep abreast of the program?

Dates attended	Program area
_____	_____
_____	_____
_____	_____

5. Do I make an effort to understand cultural differences among employees and adjust problems of disadvantaged members of the workforce?

Dates	Courses taken
_____	_____
_____	_____
_____	_____

Dates	EEO Seminars
_____	_____
_____	_____
_____	_____

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6. Do I make an effort to avoid practices which may give offense or improper motivation to employees?

   ☐ YES ☐ NO

7. Am I comfortable with women, ethnic minorities, Whites, and older employees?

   ☐ YES ☐ NO

   Do I feel that stereotypes prevent me from seeing individuals?

   ☐ YES ☐ NO

   If I need human relations training, what have I done to correct this deficiency?

Dates	Courses Taken
_____	_____
_____	_____
_____	_____

8. Do I try to keep performance and production uppermost in my mind when supervising employees in my unit, rather than personal reactions based on physical appearance or personality differences?

   ☐ YES ☐ NO

9. Do I consciously try to guard against letting personal feelings based on race, religion, nationality or sex affect my supervisory practices?

   ☐ YES ☐ NO

10. Do I avoid preferential treatment among employees based on fraternal activities or common outside interest in considering employees for training, details or promotion?

    ☐ YES ☐ NO

11. Do I provide all employees appropriate recognition and awards, including informal recognition?

    ☐ YES ☐ NO

12. Do I analyze causes and take appropriate corrective action if particular segments of the workforce consistently fail to receive recognition or awards?

    ☐ YES ☐ NO

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13. Do I apply equal penalties for equal offenses?

☐ YES ☐ NO

14. Do I individually endorse top management's policy statements and call for endorsement down through the organizational structure?

☐ YES ☐ NO

15. Do I keep subordinates informed of factors which may have an impact on the EEO Program? Keep them informed of program policies, requirements and status?

☐ YES ☐ NO

16. Do I assure that EEO is an integral part of each subordinate manager's and supervisor's job and that their performance is evaluated effectively?

☐ YES ☐ NO

17. Do I set an effective example in my own work relationships with employees regardless of race, color, religion, sex, age or national origin?

☐ YES ☐ NO

18. Do I assure that subordinate managers and supervisors have the training and understanding needed to deal effectively with male and female employees of various backgrounds and cultural differences?

☐ YES ☐ NO

19. Do I require subordinate managers and supervisors to take the necessary steps to assure that all employees, including minority group and women employees, are properly integrated into the workforce?

☐ YES ☐ NO

20. Do I ascertain that employees with underutilized skills have been identified for possible placement in positions where their skills can be used and that they receive full consideration for reassignment and/or promotion to appropriate vacancies?

☐ YES ☐ NO

21. Have I established contact with key employees to share common problems and ideas for EEO improvement?

Date	
_____	Personnel Specialist
_____	EEO Coordinator
_____	Federal Women's Program Coordinator
_____	Hispanic Employment Program Coordinator
_____	Upward Mobility Program Coordinator
_____	Veterans/Handicap Coordinator
_____	Employee Developmental Specialist

22. Have I utilized EEO Staff members to make presentations at my staff meetings/managerial/employee meetings?

Date	
_____	EEO Coordinator
_____	Federal Women's Program Coordinator
_____	Hispanic Employment Program Coordinator
_____	Upward Mobility Program Coordinator
_____	Veterans/Handicap Coordinator

23. What portion of my staff meetings are devoted to EEO?

Dates	EEO Subject Covered
_____	_____
_____	_____
_____	_____

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24. Have I actively accomplished the goals established in the Affirmative Action Plan that relate to my unit?

Action Item	Date Accomplished

25. Should I establish my own Branch/Group Action Plan with deadlines and report to my supervisor which becomes a part of my evaluation on EEO?

☐ YES ☐ NO

26. Have I developed para-professional positions and used Upward Mobility activities to encourage employee development?

Para-professional positions developed

27. Do I understand the various special hiring methods that enhance minority hiring?

Such as:

28. Have I taken the time to visit or attend a local gathering concerned with Federal EEO Programs?

Date	Activity

29. When EEO complaints—informal or formal—develop, do I make a special effort to avoid being defensive and see the other point of view?

☐ YES ☐ NO

Have I advised employees of their EEO complaint rights? Do they know the names of the EEO Counselors who are available to them?

Date

Do I make an effort to work with Counselors in resolving problems which have been brought to my attention?

☐ YES ☐ NO

30. Do I require that the cause of complaints be determined and corrected when an employee has a justified complaint?

☐ YES ☐ NO

Scoring

According to your positive answers, your score is:

1 to 7	Unacceptable
8 to 14	Improvement Needed
15 to 20	Acceptable Level
21 to 25	Above Acceptable Level
26 to 30	Outstanding

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